IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 21856 of 2005

Between:

K. Siva Prasad Rao

..... PETITIONER

AND

The Commissioner of Police,

Visakhapatnam and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 2nd and 3rd respondents in interfering with the right of personal liberty and privacy of the petitioner, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is the case of the petitioner is that the respondents 2 and 3 are interfering with his personal life and liberty without following due process of law.

A counter affidavit has been filed by the respondents 1 and 2, stating that in fact, the petitioner was involved in Cr.No.161/2003 for the offence under Sections 324, 323, 506 read with Section 34 IPC on the file of Pendurthy Police Station of Visakhapatnam City along with four others for beating one Ganga Varahalu and in that connection, the petitioner was arrested and sent for judicial remand, and the petitioner was also an accused in Cr.No.42/2005 for the offence under Section 325 read with Section 34 IPC on the file of Gopalapatnam Police Station, and the petitioner was also an accused in CC.No.600/2004 on the file of the Chief Metropolitan Magistrate, Visakhapatnam. Apart from those three cases, the petitioner is also an accused in Cr.No.97/2005 for the offence under Section 419 and 420 IPC on the file of the Gopalapatnam Police Station. In order to escape from arrest by the police in connection with Cr.No.97/2005 of Gopalapatnam Police Station, the petitioner filed this writ petition.

For the aforesaid contentions, it cannot be said that the respondents are interfering with the personal life and liberty of the petitioner, without following due process of law, more so, when the above said crimes are pending against the petitioner. Therefore, the writ petition fails and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

V.ESWARAIAH,J

Dated: 21.11.2005

Dsr